STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

EMERGENCY

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-09)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-		2010-0517-02E

For use by Office of Administrative Law (OAL) only

2010 MAY 17 AM 11:33

OFFICE OF ADMINISTRATIVE LAW

NOTICE | REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
Food and Agriculture

AGENCY FILE NUMBER (If any)
PH10045

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE

3. NOTICE TYPE	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
☐ Notice re Proposed Regulatory Action ☐ Other			

OAL USE ONLY	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE
	☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/ Withdrawn		

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S)
Light Brown Apple Moth Interior Quarantine

1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) **(Including title 26, if toxics related)**

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)

TITLE(S)
3

ADOPT

AMEND
3434(b)

REPEAL

3. TYPE OF FILING

- ☐ Regular Rulemaking (Gov. Code §11346)
- ☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)
- ☒ Emergency (Gov. Code, §11346.1(b))
- ☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.
- ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)
- ☐ Emergency Readopt (Gov. Code, §11346.1(h))
- ☐ File & Print
- ☐ Other (Specify) _____
- ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
- ☐ Print Only

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

- ☐ Effective 30th day after filing with Secretary of State
- ☒ Effective on filing with Secretary of State
- ☐ §100 Changes Without Regulatory Effect
- ☐ Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- ☐ Department of Finance (Form STD. 399) (SAM §6660)
- ☐ Fair Political Practices Commission
- ☐ State Fire Marshal
- ☐ Other (Specify)

7. CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
Stephen S. Brown	(916) 654-1017	(916) 654-1018	sbrown@cdfa.ca.gov

8. **I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.**

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE
5/13/10

TYPED NAME AND TITLE OF SIGNATORY
A. G. Kawamura, Secretary

For use by Office of Administrative Law (OAL) only

In Title 3, Division 4, Chapter 3, amend subsection 3434(b) to read:

Section 3434. Light Brown Apple Moth Interior Quarantine.

(b) Area Under Quarantine.

(1) In the counties of Alameda, Contra Costa, Marin, Monterey, Napa, San Benito, Santa Clara, Solano and Sonoma: Beginning at the intersection of Cascade Drive and Whites Hill Preserve; then, starting northwesterly along Cascade Drive to its intersection with San Geronimo Ridge Road; then, starting northwesterly along said road to its intersection with Conifer Way; then, starting northeasterly along said way to its intersection with Chaparral Lane; then, starting northwesterly along said lane to its intersection with Redwood Canyon Drive; then, starting southwesterly along said drive to its intersection with San Geronimo Valley Drive; then, starting northeasterly along said drive to its intersection with Railroad Avenue; then, starting northwesterly along said avenue to its intersection with Sir Francis Drake Boulevard; then, northeasterly along an imaginary line to its intersection with Loma Alta Fire Road at 38.026551 latitude and -122.622434 longitude; then, starting northeasterly along Loma Alta Fire Road to its intersection with Lucas Valley Road; then, starting northwesterly along Lucas Valley Road to its intersection with Nicasio Valley Road; then, northwesterly along said road to its intersection with Old Rancheria Road; then, southwesterly along said road to its intersection with Lafranchi Lane; then, southwesterly along said lane to its intersection with Road to The Ranches Road; then, starting northwesterly along said road to its intersection with 38.063616 latitude and -122.708993 longitude; then, southwesterly along an imaginary line to its intersection with State Highway 1 at 38.029174 latitude and -122.779730 longitude; then, northwesterly along said highway to its intersection with Bear Valley Road; then, northwesterly along said road to its intersection with Sir Francis Drake Boulevard; then, starting northeasterly along said boulevard to its intersection with State Highway 1; then, starting northerly along said highway to its intersection with an unnamed road at 38.092278 latitude and -122.817429 longitude; then, northwesterly along said road to its intersection with an unnamed road at 38.093035 latitude and -122.818105 longitude; then, starting northeasterly along said road to its intersection with an unnamed road at 38.114039 latitude and -122.801069 longitude; then, starting northeasterly along said road to its

intersection with an unnamed road at 38.120475 latitude and -122.776178 longitude; then, starting southeasterly along said road to its intersection with an unnamed road at 38.108406 latitude and -122.752692 longitude; then, northeasterly along an imaginary line to its intersection with an unnamed road at 38.110865 latitude and -122.741313 longitude; then, starting southeasterly along said road to its intersection with Point Reyes Petaluma Road; then, starting northeasterly along said road to its intersection with an unnamed road at 38.118647 latitude and -122.714042 longitude; then starting easterly along said road to its intersection with 38.122774 latitude and -122.702895 longitude; then, northwesterly along an imaginary line to its intersection with Point Reyes Petaluma Road and Novato Boulevard; then, northeasterly along Point Reyes Petaluma Road to its intersection with Hicks Valley Road; then, starting northwesterly along said road to its intersection with Petaluma Marshall Road; then, starting southwesterly along said road to its intersection with Wilson Hill Road; then, starting northwesterly along said road to its intersection with Marshall Petaluma Road; then, starting northeasterly along said road to its intersection with an unnamed road; then, starting northerly along said road to its intersection with Chileno Valley Road; then, starting northwesterly along said road to its intersection with Bordessa Road; then, starting southeasterly along said road to its intersection with the boundary of Marin County; then, southeasterly along said boundary to its intersection with 38.217594 latitude and -122.755543 longitude; then, northeasterly along an imaginary line to its intersection with the southeastern most point of Guglielmetti Road; then, starting northeasterly along said road to its intersection with Spring Hill Road; then, northwesterly along said road to its intersection with Purvine Road; then, starting northeasterly along said road to its intersection with Middle Two Rock Road; then, northwesterly along said road to its intersection with Bodega Avenue; then, southwesterly along said avenue to its intersection with Pepper Road; then, starting northerly along said road to its intersection with Meacham Road; then, northeasterly along said road to its intersection with Stony Point Road; then, starting northwesterly along said road to its intersection with Roblar Road; then, starting westerly along said road to its intersection with Hensley Road; then, starting westerly along said road to its northeasterly most point; then, northeasterly along an imaginary line to its intersection

with the southeastern most point of Dixon Road; then, starting northwesterly along said road to its intersection with Bloomfield Road; then, starting northeasterly along said road to its intersection with Blucher Valley Road; then, starting northwesterly along said road to its intersection with Kennedy Road; then, westerly along said road to its intersection with Thorn Road; then, starting northerly along said road to its intersection with Barnett Valley Road; then, starting westerly along said road to its intersection with Jonive Road; then, starting northwesterly along said road to its intersection with Occidental Road; then, starting northeasterly along said road to its intersection with Green Hill Road; then, starting northwesterly along said road to its intersection with Graton Road; then, starting northwesterly along said road to its intersection with Tanuda Road; then, starting northwesterly along said road to its intersection with Du Pont Road; then, starting easterly along said road to its intersection with Bones Road; then, starting northerly along said road to its intersection with Madlocks Road; then, northerly along said road to its intersection with Thomas Road; then, starting easterly along said road to its intersection with 38.454294 latitude and -122.903421 longitude; then, northeasterly along an imaginary line to its intersection with an unnamed road at 38.456035 latitude and -122.899811 longitude; then, starting northeasterly along said road to its intersection with Ross Station Road; then, northeasterly along said road to its intersection with Green Valley Creek; then, starting northeasterly along said creek to its intersection with Jones Creek; then, starting northeasterly along said creek to its intersection with Vine Hill Road; then, starting northeasterly along said road to its intersection with View Ranch ~~r~~Road; then, starting northeasterly along said road to its intersection with Hill Road; then, starting southeasterly along said road to its intersection with Vine Hill road; then, starting southwesterly along said road to its intersection with Vine Hill School Road; then, easterly along said road to its intersection with Laguna Road; then, starting southerly along said road to its intersection with Bevitt Road; then, easterly along said road to its eastern most point; then, southeasterly along an imaginary line to its intersection with Karas Lane at 38.455569 latitude and -122.841996 longitude; then southeasterly along said lane to its intersection with Guerneville Road; then, easterly along said road to its intersection with Olivet Road; then, starting northerly along said road to its intersection with River Road; then, starting southwesterly along

said road to its intersection with Trenton Healdsburg Road; then, starting northerly along said road to its intersection with Eastside Road; then, starting northerly along said road to its intersection with Old Redwood Highway; then, northwesterly along said highway to its intersection with an unnamed road at 38.587882 latitude and -122.833153 longitude; then, westerly along said road to its intersection with 38.580441 latitude and -122.855865 longitude; then, northwesterly along an imaginary line to its intersection with Healdsburg Avenue and Foreman Road; then, westerly along Foreman Road to its intersection with Westside Road; then, starting northwesterly along said road to its intersection with Mill Creek; then, starting westerly along said creek to its intersection with Mill Creek Lane; then northeasterly along said lane to its intersection with an unnamed road at 38.593955 latitude and -122.906007 longitude; then, northerly along said road to its intersection with Mill Creek Road; then, starting northwesterly along said road to its intersection with Wallace Creek Road; then, starting westerly along said road to its intersection with Chicken Ridge Road; then, starting northeasterly along said road to its intersection with Blue Ridge Road; then, northeasterly along an imaginary line to its intersection with the southwestern most point of Odom Drive; then, easterly along said drive to its intersection with Jameson Road; then, starting northeasterly along said road to its intersection with Brack Road; then, starting northwesterly along said road to its intersection with Roberts Lane; then, starting northerly along said lane to its intersection with W Dry Creek Road; then, starting northerly along said road to its intersection with Lambert Bridge Road; then, starting northeasterly along said road to its intersection with Dry Creek Road; then, southeasterly along said road to its intersection with Lytton Springs Road; then, starting northwesterly along said road to its intersection with Healdsburg Avenue, then, southerly along said avenue to its intersection with 38.653821 latitude and -122.870283 longitude; then, northeasterly along an imaginary line to its intersection with Alexander Valley Road at 38.654631 latitude and -122.865705 longitude; then, northeasterly along said road to its intersection with Haggard Road; then, southeasterly along said road to its intersection with 38.657557 latitude and -122.857711 longitude; then, southeasterly along an imaginary line to its intersection with an unnamed creek at 38.648733 latitude and -122.854106 longitude; then, starting easterly along said creek to its intersection with 38.652434 latitude and

-122.844879 longitude; then, southeasterly along an imaginary line to its intersection with Foppiano Road at 38.633955 latitude and -122.833983 longitude; then, southeasterly along an imaginary line to its intersection with Demostene Road at 38.630667 latitude and -122.832065 longitude; then, starting southeasterly along said road to its intersection with Rio Linda Avenue at 38.620827 latitude and -122.825552 longitude; then, southeasterly along an imaginary line to its intersection with Toyon Drive at 38.616224 latitude and -122.821432 longitude; then, starting northeasterly along said drive to its southern most point; then, southwesterly along an imaginary line to its intersection with Perinoli Road and McNear Road; then, starting easterly along McNear Road to its eastern most point; then, northeasterly along an imaginary line to its intersection with an unnamed road at 38.602142 latitude and -122.790765 longitude; then, starting northeasterly along said road to its intersection with River Ranch Road; then, starting southeasterly along said road to its intersection with Chalk Hill Road; then, starting southeasterly along said road to its intersection with Leslie road; then, starting southeasterly along said road to its intersection with 38.545345 latitude and -122.769684 longitude; then, southwesterly along an imaginary line to its intersection with Faught Road and Pleasant Avenue; then, starting southeasterly along said road to its intersection with an unnamed creek at 38.530385 latitude and -122.765139 longitude; then, starting westerly along said creek to its intersection with Old Redwood Highway; then, starting southwesterly along said highway to its intersection with Edwards Ranch Road; then, starting northeasterly along said road to its intersection with 38.490028 latitude and -122.727644 longitude; then, southeasterly along an imaginary line to its intersection with Kilarney Circle and Thomas Lake Harris Drive; then, starting southerly along said drive to its intersection with Fountain Grove Parkway; then, starting southwesterly along said parkway to its intersection with Mendocino Avenue; then, southeasterly along said avenue to its intersection with Administration Drive; then, starting easterly along said drive to its intersection with Chanate Road; then, starting northeasterly along said road to its intersection with Fountain Grove Parkway; then, starting easterly along said parkway to its intersection with Montecito Boulevard; then, starting northeasterly along said boulevard to its intersection with Middle Rincon Road; then, southeasterly along said road to its intersection with State

Highway 12; then, northeasterly along said highway to its intersection with Hursch Lane; then, southeasterly along said lane to its southeastern most point; then, southeasterly along an imaginary line to its intersection with the northeastern most point of Slate Drive; then, starting southwesterly along said drive to its intersection with Summer Lane; then, southwesterly along said lane to its intersection with Summerfield Road; then, starting southeasterly along said road to its intersection with Bethards Drive; then, starting southwesterly along said drive to its intersection with Bennett Valley Road; then, southwesterly along an imaginary line to its intersection with Petaluma Hill Road and Winterhaven Avenue; then, southeasterly along said road to its intersection with 38.386698 latitude and -122.688865 longitude; then, southeasterly along an imaginary line to its intersection with an unnamed road at 38.386005 latitude and -122.676474 longitude; then, southeasterly along said road to its intersection with Warrington road; then, starting southeasterly along said road to its intersection with 38.382157 latitude and -122.668540 longitude; then, southeasterly along an imaginary line to its intersection with Terra Bella Vista Way at 38.376475 latitude and -122.656960 longitude; then, southerly along an imaginary line to its intersection with Iverness Avenue at 38.368539 latitude and -122.657078 longitude; then, southerly along said avenue to its intersection with Crane Canyon Road; then, easterly along said road to its intersection with Mills Road; then, starting easterly along said road to its southeastern most point; then, southwesterly along an imaginary line to its intersection with the boundary of Crane Creek Regional Park and Crane Creek; then, starting westerly along said boundary to its intersection with Pressley Road; then, southwesterly along said road to its intersection with Lichau Road; then, southeasterly along said road to its intersection with Cold Springs Road; then, starting southeasterly along said road to its intersection with Acacia Way; then, southeasterly along said way to its intersection with Tamarack Way; then, starting southerly along said way to its intersection with Lichau Creek; then, starting northwesterly along said creek to its intersection with 38.317696 latitude and -122.641092 longitude; then, southwesterly along an imaginary line to its intersection with the eastern most point of Davis Lane; then, southeasterly along an imaginary line to its intersection with an unnamed road at 38.304899 latitude and -122.630584 longitude; then, starting southwesterly along said road to its intersection

with an unnamed road at 38.300722 latitude and -122.629383 longitude; then, starting southwesterly along said road to its intersection with Hardin Lane; then, starting northeasterly along said lane to its intersection with Lynch Road; then, starting northeasterly along said road to its intersection with 38.310492 latitude and -122.610237 longitude; then, southeasterly along an imaginary line to its intersection with an unnamed road at 38.279564 latitude and -122.576524 longitude; then, starting southeasterly along said road to its intersection with an unnamed road at 38.274810 latitude and -122.575050 longitude; then, northeasterly along said road to its intersection with Rodgers Creek at 38.283067 latitude and -122.560785 longitude; then, starting southeasterly along said creek to its intersection with 38.269773 latitude and -122.543826 longitude; then, northeasterly along an imaginary line to its intersection with the southern most point of Brooklime; then, starting northwesterly along Brooklime to its intersection with White Alder; then, starting northeasterly along White Alder to its intersection with Baytree; then, starting northerly along Baytree to its western most point; then, northwesterly along an imaginary line to its intersection with the southern most point of Viewcrest Drive; then, starting northwesterly along said drive to its intersection with Grove Street; then, starting easterly along Grove Street to its intersection with Spring Drive; then, starting northwesterly along said drive to its intersection with Grove Street; then, starting northeasterly along said street to its intersection with Grove Court; then, starting easterly along said court to its southeastern most point; then, northeasterly along an imaginary line to its intersection with the southwestern most point of Spring Hill Road; then, starting northeasterly along said road to its intersection with Morningside Mountain; then, starting northwesterly along Morningside Mountain to its northwestern most point; then, northwesterly along an imaginary line to its intersection with Ashbury Creek at 38.343885 latitude and -122.550755 longitude; then, starting northeasterly along said creek to its intersection with 38.355180 latitude and -122.524133 longitude; then, northeasterly along an imaginary line to its intersection with the Sonoma Valley Regional Park boundary at 38.357611 latitude and -122.523669 longitude; then, starting northeasterly along said boundary to its intersection with State Highway 12; then, southeasterly along said highway to its intersection with Sunnyslope Farm Road; then, starting northeasterly

along said road to its northeastern most point; then, southeasterly along an imaginary line to its intersection with an unnamed road at 38.362080 latitude and -122.482623 longitude; then, southeasterly along said road to its intersection with Cavedale Road; then, starting southeasterly along said road to its intersection with 38.351515 latitude and -122.477166 longitude; then, southeasterly along an imaginary line to its intersection with Duggans Road at 38.344404 latitude and -122.463848 longitude; then, southeasterly along an imaginary line to its intersection with Agua Caliente Creek at 38.343493 latitude and -122.456341 longitude; then, starting southerly along said creek to its intersection with 38.336913 latitude and -122.451559 longitude; then, southeasterly along an imaginary line to its intersection with Norrbom Road at 38.333458 latitude and -122.449825 longitude; then, starting southeasterly along said road to its intersection with Hale Road; then, starting northeasterly along said road to its northeastern most point; then, southeasterly along an imaginary line to its intersection with Gehricke Road at 38.314496 latitude and -122.441469 longitude; then, northeasterly along an imaginary line to its intersection with Redwood Road and Patrick Road; then, starting northeasterly along Redwood Road to its intersection with Mt Veeder Road; then, starting northwesterly along said road to its intersection with 38.361806 latitude and -122.392899 longitude; then, northeasterly along an imaginary line to its intersection with Dry Creek Road at 38.374918 latitude and -122.389631 longitude; then, starting northwesterly along said road to its intersection with Oakville Grade; then, starting northeasterly along Oakville Grade to its intersection with State Highway 29; then, northwesterly along said highway to its intersection with Niebaum Lane; then, southwesterly along said lane to its southwestern most point; then, northwesterly along an imaginary line to its intersection with Bear Canyon Creek at 38.449044 latitude and -122.438217 longitude; then, starting southwesterly along said creek to its intersection with 38.455567 latitude and -122.482936 longitude; then, northwesterly along an imaginary line to its intersection with Heath Canyon Creek at 38.460546 latitude and -122.487660 longitude; then, starting northeasterly along said creek to its intersection with 38.471118 latitude and -122.486361 longitude; then, northwesterly along an imaginary line to its intersection with an unnamed road at 38.479271 latitude and -122.531702 longitude; then, starting northwesterly along said

road to its intersection with Langtry Road; then, starting northwesterly along said road to its intersection with Spring Mountain Road; then, northeasterly along an imaginary line to its intersection with the southwestern most point of Birdhill Road; then, starting northeasterly along said road to its intersection with State Highway 29; then, southeasterly along said highway to its intersection with Lodi Lane; then, northeasterly along said lane to its intersection with Silverado Trail N; then, starting southeasterly along said trail to its intersection with Sanitarium Road; then, northeasterly along said road to its intersection with Deer Park ~~r~~Road; then, starting northeasterly along said road to its intersection with Mund Road; then, starting northeasterly along said road to its intersection with Sunnyside Road; then, southeasterly along said road to its intersection with Quail Lane; then, starting northeasterly along said lane to its northern most point; then, easterly along an imaginary line to its intersection with Howell Mountain Road S at 38.540497 latitude and -122.451069 longitude; then, southeasterly along an imaginary line to its intersection with 38.536136 latitude and -122.413585 longitude; then, southeasterly along an imaginary line to its intersection with Conn Valley Road at 38.507716 latitude and -122.407780 longitude; then, starting northeasterly along said road to its intersection with 38.507019 latitude and -122.403440 longitude; then, southerly along an imaginary line to its intersection with the northeastern most point of Auberge Road; then, starting southwesterly along said road to its intersection with Rutherford Hill Road; then, starting southwesterly along said road to its intersection with Silverado Trail; then, starting southeasterly along said trail to its intersection with State Highway 128; then, starting northeasterly along said highway to its intersection with 38.486863 latitude and -122.298748 longitude; then southeasterly along an imaginary line to its intersection with the intersection of Sage Canyon Creek and Fir Canyon Creek; then, starting southeasterly along Fir Canyon Creek to its intersection with 38.476171 latitude and -122.280805 longitude; then, southeasterly along an imaginary line to its intersection with the northeastern most point of Soda Canyon Road; then, starting southwesterly along said road to its intersection with Loma Vista Drive; then, easterly along an imaginary line to its intersection with the northwestern most point of Old Soda Springs Road; then, starting southeasterly along said road to its intersection with 38.370079 latitude and -122.263934 longitude; then,

southeasterly along an imaginary line to its intersection with Atlas Peak Road at 38.368587 latitude and -122.260633 longitude; then, starting northeasterly along said road to its intersection with 38.368591 latitude and -122.251833 longitude; then, starting southeasterly along an imaginary line to its intersection with State Highway 121 at 38.353177 latitude and -122.221839 longitude; then, starting northeasterly along said highway to its intersection with Wild Horse Valley Road; then, starting southwesterly along said road to its intersection with the boundary line of Napa County; then, easterly along said boundary line to its intersection with an unnamed creek at 38.315912 latitude and -122.179946 longitude; then, starting southwesterly along said creek to its intersection with an unnamed creek at 38.300918 latitude and -122.176307 longitude; then, starting southerly along said creek to its intersection with 38.287975 latitude and -122.172258 longitude; then, southwesterly along an imaginary line to its intersection with the boundary of Napa County at 38.256415 latitude and -122.193281 longitude; then, starting southwesterly along said boundary to its intersection with 38.250715 latitude and -122.195182 longitude; then, southerly along an imaginary line to its intersection with State Highway 12 at 38.208545 latitude and -122.191502 longitude; then, southwesterly along an imaginary line to its intersection with the boundary line of Napa County at 38.204910 latitude and -122.204470 longitude; then, southeasterly along an imaginary line to its intersection with the northwestern most point of Lynch Road; then, starting southeasterly along said road to its intersection with US Interstate 80; then, northeasterly along said highway to its intersection with US Interstate 680; then, southerly along said highway to its intersection with Cordelia Road; then, northeasterly along said road to its intersection with Green Valley Creek; then, southeasterly along said creek to its intersection with Cordelia Slough; then, starting southeasterly along said slough to its intersection with 38.189176 latitude and -122.115221 longitude; then southeasterly along an imaginary line to its intersection with Goodyear Road at 38.158533 latitude and -122.103003 longitude; then, starting southeasterly along said road to its southeastern most point; then, southeasterly along an imaginary line to its intersection with the shoreline of Suisun Slough at 38.135750 latitude and -122.085330 longitude; then, starting southeasterly along said shoreline to its intersection with the shoreline of Grizzly Bay at 38.118444 latitude and -122.064822

longitude; then, southwesterly along said shoreline to its intersection with the shoreline of Suisun Bay at 38.115079 latitude and -122.064727 longitude; then, southwesterly along said shoreline to its intersection with US Interstate 680; then, southeasterly along said interstate to its intersection with the southern shoreline of Suisun Bay; then, starting southeasterly along said shoreline to its intersection with 38.052067 latitude and -121.987651 longitude; then, southeasterly along an imaginary line to its intersection with an unnamed road at 38.051854 latitude and -121.987445 longitude; then, southeasterly along said road to its intersection with an unnamed road at 38.051167 latitude and -121.986830 longitude; then, starting southwesterly along said road to its intersection with Nichols Road; then, starting southerly along said road to its intersection with an unnamed road at 38.033378 latitude and -121.991185 longitude; then, starting southeasterly along said road to its intersection with Evora Road; then, southwesterly along said road to its intersection with Willow Pass Road; then, southeasterly along said road to its intersection with State Highway 4; then, starting northeasterly along said highway to its intersection with Bailey Road; then, northerly along said road to its intersection with Willow Pass Road; then, easterly along said road to its intersection with N Broadway Avenue; then, northerly along said avenue to its intersection with Suisun Road; then, southeasterly along said road to its intersection with an unnamed road; then, starting southeasterly along said road to its intersection with the shoreline of the Sacramento River; then, starting northeasterly along said shoreline to its intersection with the shoreline of New York Slough; then, starting southeasterly along said shoreline to its intersection with the shoreline of the San Joaquin River; then, starting southeasterly along said shoreline to its intersection with the shoreline of Big Break; then, starting southeasterly along said shoreline to its intersection with Marsh Creek Trail; then, starting southwesterly along said trail to its intersection with Dutch Slough; then, easterly along said slough to its intersection with an unnamed road at 38.004935 latitude and -121.691318 longitude; then, starting easterly along said road to its intersection with Sellers Avenue; then, southerly along said avenue to its intersection with the Contra Costa Canal; then, starting easterly along said canal to its intersection with Piper Slough; then, southeasterly along said slough to its intersection with 37.975949 latitude and -121.641117 longitude; then, southerly along an imaginary line

to its intersection with Delta Road at 37.968817 latitude and -121.640945 longitude; then, easterly along said road to its intersection with ~~37.968842 latitude and -121.627213 longitude; then, southerly along an imaginary line to its intersection with a four wheel drive road at 37.954411 latitude and -121.627242 longitude~~Holland Tract Road; then, starting ~~southerly~~northwesterly along said road to its intersection with ~~37.94134~~38.004543 latitude and -121.~~624698~~580660 longitude; then, easterly along an imaginary line to its intersection with the shoreline of Bacon Island at 38.002712 latitude and -121.262180 longitude; then, starting northeasterly along said shoreline to its intersection with 37.940954 latitude and -121.534315 longitude; then, southerly along an imaginary line to its intersection with the tracks of AT and SF Railroad at 37.939869 latitude and -121.534034 longitude; then westerly along said track to its intersection with 37.941108 latitude and -121.624715 longitude; then, southerly along an imaginary line to its intersection with Orwood Road at 37.940022 latitude and -121.624756 longitude; then, easterly along said road to its intersection with Bixler Road; then, southerly along said road to its intersection with Fallman Boulevard; then, easterly along said boulevard to its intersection with S Lakefront Loop; then, starting southwesterly along said loop to its intersection with 37.918730 latitude and -122.619192 longitude; then, southerly along an imaginary line to its intersection with Lakeshore Circle at 37.917252 latitude and -122.619172 longitude; then, starting easterly along said circle to its intersection with Grand Way; then, southwesterly along said way to its intersection with Preston Drive; then, southerly along said drive to its intersection with Newport Drive; then, starting southerly along said drive to its intersection with State Highway 4; then, westerly along said highway to its intersection with Bixler Road; then, southerly along said road to its intersection with Camino Diablo Road; then, westerly along said road to its intersection with 37.867446 latitude and -121.632401 longitude; then, southerly along an imaginary line to its intersection with an unnamed creek at 37.861339 latitude and -121.632415 longitude; then, starting southwesterly along said creek to its intersection with 37.859997 latitude and -121.639278 longitude; then, southwesterly along an imaginary line to its intersection with an unnamed road at 37.854124 latitude and -121.659753 longitude; then, starting northwesterly along said road to its intersection with 37.861305 latitude and -121.669552 longitude; then, northwesterly along an imaginary line to its

intersection with Camino Diablo Road at 37.862321 latitude and -121.674284 longitude; then, starting northwesterly along said road to its intersection with Marsh Creek Road; then, southwesterly along said road to its intersection with Deer Valley Road; then, starting northerly along said road to its intersection with Empire Mine Road; then, starting easterly along said road to its intersection with the boundary of Black Diamond Mines Park; then, starting easterly along said boundary to its intersection with Black Diamond Mines Regional Preserve; then, starting southeasterly along said boundary to its intersection with an unnamed road at 37.950015 latitude and -121.893463 longitude; then, starting northwesterly along said road to its intersection with Black Diamond Trail; then, starting westerly along said trail to its intersection with Cumberland Trail; then, southerly along an imaginary line to its intersection with an unnamed road at 37.935538 latitude and -121.901891 longitude; then, southeasterly along said road to its intersection with an unnamed road at 37.932012 latitude and -121.896780 longitude; then, starting southeasterly along said road to its intersection with an unnamed road at 37.927759 latitude and -121.902861 longitude; then, southwesterly along said road to its intersection with an unnamed road at 37.927353 latitude and -121.904404 longitude; then, starting southeasterly along said road to its intersection with Marsh Creek Road; then, starting southeasterly along said road to its intersection with the boundary of Mount Diablo State Park; then, starting southeasterly along said boundary to its intersection with Finley Road; then, starting southeasterly along said road to its intersection with the boundary of Mount Diablo State Park; then, starting easterly along said boundary to its intersection with 37.828207 latitude and -121.774364 longitude; then, southeasterly along an imaginary line to its intersection with Los Vaqueros Road at 37.801552 latitude and -121.747988 longitude; then, starting southwesterly along said road to its intersection with the boundary line of Alameda County; then, northeasterly along said boundary line to its intersection with Vasco Road at 37.777741 latitude and -121.716448 longitude; then, starting northeasterly along said road to its intersection with an unnamed road at 37.781010 latitude and -121.699009 longitude; then, starting southeasterly along said road to its intersection with an unnamed road at 37.768124 latitude and -121.687037 longitude; then, starting southerly along an unnamed road to its intersection with an unnamed road at 37.763767 latitude and

-121.688842 longitude; then, starting easterly along said road to its intersection with Dyer Road at 37.745812 latitude and -121.676747 longitude; then, southerly along an imaginary line to its intersection with S Flynn Road and Patterson Pass Road; then, starting westerly along Patterson Pass Road to its intersection with South Bay Aqueduct; then, starting southerly along said aqueduct to its intersection with Lupin Way; then, westerly along said way to its intersection with Greenville Road; then, southerly along said road to its intersection with East Avenue; then, westerly along said avenue to its intersection with Buena Vista Avenue; then, southerly along said avenue to its intersection with Tesla Road; then, westerly along said road to its intersection with S Livermore Avenue; then, northwesterly along said avenue to its intersection with Wente Street; then, starting southerly along said street to its intersection with Marina Avenue; then, westerly along said avenue to its intersection with 37.656596 latitude and -121.755901 longitude; then, southerly along an imaginary line to its intersection with 37.649824 latitude and -121.755888 longitude; then, southeasterly along an imaginary line to its intersection with 37.649476 latitude and -121.755128 longitude; then, southwesterly along an imaginary line to its intersection with Danielle Court at 37.648866 latitude and -121.755981 longitude; then, southwesterly along said court to its intersection with Hansen Road; then, starting southerly along said road to its intersection with Arroyo Road; then, southerly along said road to its intersection with Westmore Road; then, southwesterly along an imaginary line to its intersection with northeastern most point of E Vineyard Avenue; then, southwesterly along E Vineyard Avenue to its intersection with an unnamed road at 37.640172 latitude and -121.773628 longitude; then, southwesterly along an imaginary line to its intersection with the intersection of Holmes Street and Kalthoff Common; then, starting westerly along Kalthoff Common to its intersection with State Highway 84; then, starting southerly along said highway to its intersection with 37.607687 latitude and -121.828876 longitude; then, southwesterly along an imaginary line to its intersection with the intersection of San Antonio Creek and the shoreline of San Antonio Reservoir; then, starting southwesterly along said shoreline to its intersection with Apperson Creek; then, southeasterly along said creek to its intersection with Hetch Hetchy Aqueduct; then, starting southwesterly along said aqueduct to its intersection with Calaveras Creek;

then, starting southwesterly along said creek to its intersection with 37.544524 latitude and -121.860824 longitude; then, southwesterly along an imaginary line to its intersection with an unnamed four-wheel drive road 37.537760 latitude and -121.863399 longitude; then, starting southeasterly along said road to its intersection with Mill Creek Road; then, starting northwesterly along said road to its intersection with the boundary line of Mission Peak Regional Preserve; then, starting southeasterly along said boundary line to its intersection with the boundary line of Alameda County; then, easterly along the boundary line of Alameda County to its intersection with Weller Road; then, starting southerly along said road to its intersection with Calaveras Road; then, southeasterly along said road to its intersection with Felter Road; then, starting southeasterly along Felter Road to its intersection with the boundary line of the City of San Jose; then, southerly along an imaginary line to its intersection with Dutard Creek at 37.409236 latitude and -121.817797 longitude; then, starting southwesterly along said creek to its intersection with Penitencia Creek; then, starting northeasterly along said creek to its intersection with Arroyo Aguague; then, starting southeasterly along Arroyo Aguague to its intersection with the boundary line of Joseph D Grant County Park; then, starting northeasterly along the boundary line of Joseph D Grant County Park to its intersection with the boundary line of the San Jose MCD; then, starting southeasterly along the boundary line of the San Jose MCD to its intersection with San Felipe Road; then, starting southwesterly along San Felipe Road to its intersection with Silver Creek Road; then, starting southwesterly along Silver Creek Road to its intersection with Road M; then, starting southeasterly along Road M to its southeastern most point; then, southwesterly along an imaginary line to its intersection with the intersection of Piercy Road and Tennant Avenue; then, southwesterly along Tennant Avenue to its intersection with Silicon Valley Boulevard; then, southwesterly along Silicon Valley Boulevard to its intersection with US Highway 101; then starting southeasterly along US Highway 101 to its intersection with State Highway 85; then, southeasterly along said highway to its intersection with the boundary of Coyote Park Chain; then, northeasterly along said boundary to its intersection with Basking Ridge Avenue; then, northwesterly along said avenue to its intersection with Chelsea Xing; then, northeasterly along Chelsea Xing to its intersection with Schoolhouse Road; then,

southeasterly along said road to its intersection with Esplanade Lane; then, northeasterly along said lane to its intersection with Chelsea Xing; then, southeasterly along an imaginary line to its intersection with Metcalf Road at 37.237534 latitude and -121.726931; then, starting ~~north~~easterly along said road to its intersection with Malech Road; then, starting southeasterly along said road to its southeastern most point; then, southeasterly along an imaginary line to its intersection with northern most point of the boundary of the Coyote Creek Park Chain; then, starting southeasterly along said boundary to its intersection with 37.1~~6460984926~~ latitude and -121.6~~5346162750~~ longitude; then, southeasterly along an imaginary line to its intersection with Coyote Road at 37.167160 latitude and -121.633163 longitude; then, starting southerly along said road to its intersection with Chochrane Road; then, westerly along said road to its intersection with San Rafael Street; then, southerly along said street to its intersection with Alicante Drive; then, southeasterly along said drive to its intersection with Saint Katherine Drive;the northwestern most point of Peet Road; then, southeasterly along said road to its intersection with Half Road; then, southwesterly along said road to its intersection with Elm Road; then, southeasterly along said road to its intersection with E Main Avenue; then, southwesterly along said avenue to its intersection with Condit Road; then, southeasterly along said road to its intersection with E Dunne Avenue; then, northeasterly along said avenue to its intersection with Thomas Grade; then, starting northeasterly along Thomas Grade to its intersection E Dunne Avenue; then northeasterly along said avenue to its intersection with Jackson Oaks Drive; then, starting southeasterly along said drive to its intersection with Oak Canyon Drive; then, southeasterly along said drive to its southeastern most point; then, southeasterly along an imaginary line to its intersection with Coyote Reservoir Road and an unnamed road at 37.118192 latitude and -121.562831 longitude; then, starting southwesterly along an unnamed road to its intersection with E San Martin Road; then, starting southwesterly along said road to its intersection with New Avenue; then, starting southeasterly along said avenue to its intersection with Bridle Path Drive; then, starting northeasterly along said drive to its intersection with Butch ~~d~~Drive; then, starting southeasterly along said drive to its intersection with Via Del Cielo; then starting southerly along Via Del Cielo to its intersection with Estates Drive; then, starting southeasterly along said drive to its

intersection with Roop Road; then, starting northeasterly along said road to its intersection with Leavesley Road; then, starting southeasterly along said road to its intersection with Crews Road; then, starting southeasterly along said road to its intersection with Sunlit Oaks Court; then, starting northeasterly along said court to its intersection with 37.024616 latitude and -121.501710 longitude; then, southwesterly along an imaginary line to its intersection with Angelo Lane at 37.020682 latitude and -121.502857 longitude; then, southeasterly along said lane to its intersection with Canada Road; then, southwesterly along said road to its intersection with State Highway 152; then, starting southeasterly along said highway to its intersection with Bloomfield Avenue; then, southwesterly along said avenue to its intersection with Llagas Creek; then, southeasterly along said creek to its intersection with the Pajaro River; then, starting southwesterly along said river to its intersection with 36.941953 latitude and -121.518630 longitude; then, northwesterly along an imaginary line to its intersection with Carnadero Creek at 36.947906 latitude and -121.533079 longitude; then, starting southwesterly along said creek to its intersection with 36.942869 latitude and -121.535212 longitude; then, westerly along an imaginary line to its intersection with US Highway 101 at 36.943019 latitude and -121.552787 longitude; then, starting southerly along said highway to its intersection with the San Benito River; then, starting southeasterly along said river to its intersection with 36.862312 latitude and -121.506562 longitude; then, southerly along an imaginary line to its intersection with Lucy Brown Road at 36.860087 latitude and -121.506402 longitude; then, starting westerly along said road to its intersection with Olympia Avenue; then, easterly along said avenue to its intersection with Bixby Road; then, southerly along said road to its intersection with Freitas Road; then, easterly along said road to its intersection with Flint Road; then, southerly along said road to its intersection with State Highway 156; then, easterly along said highway to its intersection with an unnamed road at 36.841687 latitude and -121.463162 longitude; then, southerly along said road to its intersection with Stanley Ranch Road; then, easterly along said road to its intersection with Nothing Road; then, starting northeasterly along said road to its intersection with Union Road; then, northwesterly along said road to its intersection with Old San Juan Hollister Road; then, starting northeasterly along said road to its intersection with San Juan Hollister

Road; then, northerly along said road to its intersection with San Juan Road; then, starting southeasterly along said road to its intersection with Line Street; then, northerly along said street to its intersection with Buena Vista Road; then, easterly along said road to its intersection with State Highway 25; then, northerly along said highway to its intersection with Fallon Road; then, northwesterly along an imaginary line to its intersection with McConnell Road and State Highway 25; then, northwesterly along said highway to its intersection with Shore Road; then, starting northeasterly along Shore Road to its intersection with Frazier Lake Road; then, starting northwesterly along said road to its intersection with an unnamed road at 36.952054 latitude and -121.474535 longitude; then, northeasterly along said road to its intersection with an unnamed road at 36.955053 latitude and -121.466626 longitude; then, northwesterly along said road to its intersection with an unnamed stream at 36.965032 latitude and -121.475397 longitude; then, southeasterly along said stream to its intersection with Lake Road; then, northwesterly along said road to its intersection with an unnamed road at 36.964321 latitude and -121.462020 longitude; then, northeasterly along said road to its intersection with an unnamed stream at 36.967430 latitude and -121.451820 longitude; then, starting southeasterly along said stream to its intersection with Lovers Lane; then, starting northerly along said lane to its intersection with State Highway 152; then, starting easterly along said highway to its intersection with an unnamed road at 36.970390 latitude and -121.416770 longitude; then starting northeasterly along said road to its intersection with 36.980095 latitude and -121.409194 longitude; then, northeasterly along an imaginary line to its intersection with an unnamed road at 36.989117 latitude and -121.395170 longitude; then, starting southeasterly along said road to its intersection with State Highway 152; then, starting southwesterly along said highway to its intersection with the Pacheco Pass Highway Ramp; then, starting northeasterly along said ramp to its intersection with Pacheco Creek; then, starting southeasterly along said creek to its intersection with the boundary of San Benito County; then, easterly along said boundary to its intersection with Sulphur Creek; then, starting southerly along said creek to its intersection with Arroyo De Las Viboras; then, starting southeasterly along Arroyo De Las Viboras to its intersection with an unnamed creek at 36.940719 latitude and -121.342310 longitude; then, starting southeasterly

along said creek to its intersection with 36.940692 latitude and -121.327781 longitude; then, southerly along an imaginary line to its intersection with an unnamed road at 36.902282 latitude and -121.326688 longitude; then, starting southwesterly along said road to its intersection with Rosa Morada Road; then, westerly along said road to its intersection with Fairview Road; then, southerly along said road to its intersection with an unnamed road at 36.887677 latitude and -121.363670 longitude; then, easterly along said road to 36.887634 latitude and -121.354525 longitude; then, southerly along an imaginary line to its intersection with Magladry Road at 36.884088 latitude and -121.354536 longitude; then, southerly along said road to its intersection with Lone Tree Road; then, easterly along said road to its intersection with 36.875602 latitude and -121.345503 longitude; then, southerly along an imaginary line to its intersection with Santa Ana Creek at 36.836815 latitude and -121.344948 longitude; then, southwesterly along an imaginary line to its intersection with an unnamed road at 36.836283 latitude and -121.345379 longitude; then, starting southwesterly along said road to its intersection with John Smith Road; then, southeasterly along said road to its intersection with Best Road; then, starting westerly along said road to its intersection with State Highway 25; then, starting northwesterly along said highway to its intersection with Ridgemark Road; then, starting southerly along said road to its intersection with an unnamed road at 36.809019 latitude and -121.346072 longitude; then, starting southeasterly along said road to its intersection with Southside Road; then, starting northeasterly along said road to its intersection with Blossom Lane; then, westerly along said lane to its intersection with an unnamed road at 36.802342 latitude and -121.368039 longitude; then, southerly along said road to its intersection with 36.800095 latitude and -121.368024; then, starting northwesterly along said road to its western most point; then, westerly along an imaginary line to its intersection with the San Benito River at 36.800318 latitude and -121.371799 longitude; then, starting northerly along said river to its intersection with 36.803574 latitude and -121.381932 longitude; then, westerly along an imaginary line to its intersection with an unnamed road at 36.803515 latitude and -121.382535 longitude; then, starting northwesterly along said road to its intersection with 36.800968 latitude and -121.386824 longitude; then, starting northwesterly along an imaginary line to its intersection with an unnamed

road at 36.801057 latitude and -121.387885 longitude; then, northwesterly along an imaginary line to its intersection with an unnamed road at 36.804572 latitude and -121.395818 longitude; then, starting northwesterly along said road to its intersection with Cienega Road; then, starting southwesterly along said road to its intersection with an unnamed road at 36.799954 latitude and -121.408504 longitude; then, starting southwesterly along said road to its intersection with 36.802168 latitude and -121.429634 longitude; then, northerly along an imaginary line to its intersection with the boundary of Hollister Hills State Vehicular Recreation Area at 36.803123 latitude and -121.429533 longitude; then, starting northwesterly along said boundary to its intersection with 36.802787 latitude and -121.436528 longitude; then, northwesterly along an imaginary line to its intersection with an unnamed road at 36.813178 latitude and -121.451519 longitude; then, starting northwesterly along said road to its intersection with an unnamed road at 36.816124 latitude and -121.456892 longitude; then, starting southwesterly along said road to its intersection with an unnamed road at 36.815192 latitude and -121.457330 longitude; then, starting southwesterly along said road to its intersection with an unnamed road at 36.799879 latitude and -121.469733 longitude; then, starting westerly along said road to its intersection with an unnamed road at 36.801063 latitude and -121.472691 longitude; then, starting southeasterly along said road to its intersection with County Highway G1; then, starting northwesterly along said highway to its intersection with Quinn Canyon Road; then, starting southwesterly along said road to its intersection with an unnamed road at 36.803025 latitude and -121.512613 longitude; then, starting southerly along said road to its northwestern most point; then, northwesterly along an imaginary line to its intersection with Old Stage Road and an unnamed road at 36.811896 latitude and -121.537939 longitude; then, starting westerly along said road to its intersection with an unnamed road at 36.822231 latitude and -121.563666 longitude; then, starting westerly along said road to its intersection with San Juan Grade Road; then, southwesterly along said road to its intersection with 36.818020 latitude and -121.574865 longitude; then, southeasterly along an imaginary line to its intersection with a four-wheeled drive road at 36.702848 latitude and -121.537199 longitude; then, southeasterly along said road to its intersection with 36.652033 latitude and -121.477545 longitude; then, southeasterly

along an imaginary line to its intersection with a four-wheel drive road at 36.630562 latitude and -121.423504 longitude; then, starting southwesterly along said road to its intersection with Chualar Canton Road; then, southwesterly along said road to its intersection with Chualar Creek; then, starting westerly along said creek to its intersection with Old Stage Road; then, northwesterly along said road to its intersection with Chualar Road; then, southwesterly along said road to its intersection with Payson Street; then, southeasterly along said street to its intersection with Main Street; then, southwesterly along said street to its intersection with Chualar River Road; then starting southeasterly along said road to its intersection with River Road; then, westerly along an imaginary line to its intersection with the southern most point of Parker Road; then, southwesterly along an imaginary line to its intersection with Pine Canyon Road and Corral Del Cielo Road; then, starting southeasterly along Corral Del Cielo Road to its intersection with Corral De Tierra Road; then, starting southwesterly along said road to its intersection with Underwood Road; then, starting northeasterly along said road to its intersection with 36.517185 latitude and -121.688232 longitude; then, southeasterly along an imaginary line to its intersection with an unnamed creek at 36.476109 latitude and -121.688232 latitude; then, starting southerly along said creek to its intersection with Chupines Creek at 36.456662 latitude and -121.986179 longitude; then, southwesterly along an imaginary line to its intersection with Turner Creek at 36.436967 latitude and -121.778808 longitude; then, starting westerly along said creek to its intersection with an unnamed creek at 36.429772 latitude and -121.784275 longitude; then, starting southwesterly along said creek to its intersection with 36.429568 latitude and -121.805724 longitude; then, northwesterly along an imaginary line to its intersection with Salispuedes Creek at 36.433287 latitude and -121.823628 longitude; then, northwesterly along an imaginary line to its intersection with Las Gazas Creek at 36.442613 latitude and -121.835249 longitude; then, northerly along an imaginary line to its intersection with Rancho San Carlos Road at 36.469619 latitude and -121.837988 longitude; then, westerly along an imaginary line to its intersection with the boundary of Gararapata State Park at 36.469070 latitude and -121.890520 longitude; then, starting northerly along said boundary to its intersection with 36.500222 latitude and -121.922643 longitude; then, northeasterly along an imaginary line to its intersection

with Gibson Creek at 36.505921 latitude and -121.914417 longitude; then, starting northwesterly along said creek to its intersection with the California coastline; then, starting northeasterly along the coastline of California to its intersection with the boundary of Monterey County; then, starting northeasterly along said boundary to its intersection with the boundary of San Benito County; then, starting northeasterly along said boundary to its intersection with the boundary of Santa Clara County; then, starting northerly along said boundary to its intersection with the boundary of Alameda County; then, starting northwesterly along said boundary to its intersection with the boundary of Contra Costa County; then, starting northwesterly along said boundary to its intersection with the boundary of Marin County; then, starting southeasterly along said boundary to its intersection with the southern boundary line of the Golden Gate National Recreation Area; then, starting westerly along the boundary line of the Golden Gate National Recreation Area to its intersection with the California coastline; then, starting northwesterly along the California coastline to its intersection with 37.906854 latitude and -122.680665 longitude; then, southwesterly along an imaginary line to its intersection with 37.905609 latitude and -122.683048 longitude; then, starting southwesterly along the California coastline to its intersection with the southern boundary of Point Reyes National Seashore; then, northeasterly along said boundary line to its intersection with State Highway 1; then, starting southeasterly along said highway to its intersection with Fairfax Bolinas Road; then, starting northwesterly along said road to its intersection with 37.955833 latitude and -121.636966 longitude; then, starting northeasterly along an imaginary line to the point of beginning.

(2) In the counties of Alameda and San Joaquin, in the Tracy area: Beginning at the intersection of Mountain House Road and 120 Canal; then, starting southeasterly along said canal to its intersection with Mountain House Creek; then, northeasterly along said creek to its intersection with Great Valley Parkway; then, southerly along said parkway to its intersection with Mascot Boulevard; then, starting easterly along said boulevard to its intersection with Mountain House Parkway; then, southerly along said parkway to its intersection with US Interstate 205; then, easterly along said interstate to its intersection with an unnamed road at 37.740525 latitude and -121.503343 longitude; then, easterly along said road to its intersection with W 11th Street; then, easterly along

said street to its intersection with S Lammers Road; then, southerly along said road to its intersection with an unnamed road; then, westerly along said road to its intersection with 37.691936 latitude and -121.485498 longitude; then, westerly along an imaginary line to its intersection with Paterson Pass Road at 37.697403 latitude and -121.587267 longitude; then, starting northeasterly along said road to its intersection with the tracks of the Western Pacific Railroad; then, starting northwesterly along said tracks to its intersection with Grant Line Road; then, northwesterly along an imaginary line to its intersection with Altamont Pass Road at 37.745056 latitude and -121.634072 longitude; then, northeasterly along an imaginary line to the point of beginning.

(~~2~~3) In the County of Los Angeles, in the Long Beach area: Continued

(~~3~~4) In the County of Monterey:

(A) In the Greenfield area: Continued

(B) In the Gonzales area: Continued

(C) In the Soledad area: Continued

(~~4~~5) In the County of San Joaquin:

(A) In the Manteca area: Continued

(B) In the Stockton area: Continued

(C) In the Tracy area: Continued

(~~5~~6) In the County of San Luis Obispo:

(A) In the Los Osos area: Continued

(B) In the Arroyo Grande area: Continued

(~~6~~7) In the County of Santa Barbara, in the Santa Barbara area: Continued

(~~7~~8) In the County of Solano:

(A) In the Allendale area: Continued

(B) In the Fairfield area: Continued

(~~8~~9) In the County of Sonoma, in the Kenwood area: Beginning at the intersection of Meadow Ridge Lane and Stone Bridge Road; then, starting northeasterly along said lane to its intersection with Mesa Oaks Lane; then, northerly along said lane to its northern most point; then, northerly along an imaginary line to its intersection with State Highway 12 and Richards Road; then, starting northeasterly along said road to its intersection with 38.452528 latitude and -122.611027 longitude; then, northeasterly

along an imaginary line to its intersection with N Pythian Road at 38.460760 latitude and -122.579946 longitude; then, southeasterly along an imaginary line to its intersection with Bear Creek ~~and~~at 38.451297 latitude and -122.529458 longitude; then, starting southeasterly along said creek to it intersection with Sonoma Creek; then, starting southeasterly along ~~said~~ Sonoma Creek to its intersection with 38.436132 latitude and -122.515854 longitude; then, southeasterly along an imaginary line to its intersection with the boundary line of Sonoma County at 38.424511 latitude and -121.497592 longitude; then, starting southeasterly along said boundary line to its intersection with Trinity Road; then, starting southeasterly along said road to its intersection with State Highway 12; then, northwesterly along said highway to its intersection with Sylvia Drive; then, starting southwesterly along said drive to its intersection with Dunbar Road; then, northwesterly along said road to its intersection with Calabazas Creek; then, starting southwesterly along said creek to its intersection with Warm Springs Road; then, starting northwesterly along said road to its intersection with Graham Creek; then, starting southwesterly along said creek to its intersection with 38.348522 latitude and -122.560457 longitude; then, northwesterly along an imaginary line to its intersection with the southeastern most point of Matanzas Creek; then, starting northwesterly along said creek to its intersection with Jamison Road; then, starting northwesterly along said road to its intersection with Sonoma Mountain Road; then, starting northeasterly along said road to its intersection with Bennett Valley Road; then, starting northeasterly along said road to its intersection with Walker Road; then, northerly along an imaginary line to its intersection with Bardy Road at 38.406031 latitude and -122.608141 longitude; then, starting northeasterly along said road to its northwestern most point; then, northwesterly along an imaginary line to its intersection with Spring Creek at 38.426485 latitude and -122.619885 longitude; then, northeasterly along an imaginary line to the point of beginning.

(~~9~~10) In the Counties of Yolo and Solano, in the Davis area: Beginning at the intersection of County Road 98 and County Road ~~29~~31; westerly along County Road 31 to its intersection with County Road 96; then, northerly along said road to its intersection with County Road 27; then, easterly along said road to its intersection with State Highway 113; then, southerly along said highway to its intersection with County Road

29; then, easterly along County Road 29 to its intersection with County Road 102; then, northerly along said road to its intersection with County Road 29; then, easterly along said road to its intersection with County Road 105; then, southerly along said road to its intersection with Road 32A; then, northeasterly along said road to its intersection with an unnamed road; then, northeasterly along said road to its intersection with Levee Road; then, southerly along said road to its intersection with Farm Road; then, starting southerly along said road to its intersection with an unnamed road at 38.536299 latitude and -121.631479 longitude; then, westerly along said road to its intersection with Road 107; then, southerly along said road to its intersection with Road 33; then, westerly along said road to its intersection with Road 106 A; then, starting southerly along said road to its intersection with South Putah Creek; then starting southwesterly along said creek to its intersection with Putah Creek; then, starting northwesterly along said creek to its intersection with County Road 98; then, northerly along said road to the point of beginning.

(1~~0~~1) In Yolo County, in the Woodland area: Continued

(c) Regulated Area. Continued

(d) Articles and Commodities Covered. The following are declared to be hosts and possible carriers of light brown apple moth. Continued

(e) Restrictions. Continued

Note: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code. Reference: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code.

May 17, 2010

FINDING OF EMERGENCY

The Secretary of the Department of Food and Agriculture finds that an emergency exists, and that the foregoing adoption of a regulation is necessary for an immediate action to avoid serious harm to the public peace, health, safety or general welfare, within the meaning of Government Code Section 11342.545 and Public Resources Code Section 21080. Government Code Section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law, the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the Office of Administrative Law, the Office of Administrative Law shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

The Department does not have a record of any person requesting a notice of regulatory actions under Government Code Section 11346.4(a)(1). Therefore, the provisions of Government Code Section 11346.1(a)(2) do not appear to be applicable to this emergency action as no one has requested such notice.

Description of Specific Facts Which Constitute the Emergency

The light brown apple moth (*Epiphyas postvittana*) was first detected in California on February 27, 2007 in Alameda County and on March 7, 2007, the light brown apple moth (LBAM) was first detected in Contra Costa County. Through the deployment of delimiting detection traps, numerous additional adult male moths were trapped in both counties. As a result, the Department adopted an emergency regulation, Section 3591.20, which became effective on March 21, 2007. The Department continued to deploy detection traps in additional counties. As a result of multiple detections of LBAM, the Department amended Section 3591.20 to add the counties of Marin and San Francisco (effective April 3, 2007); Santa Clara County (effective April 20, 2007); Monterey, San Mateo and Santa Cruz counties (effective April 23, 2007); and, Napa County (effective June 5, 2007). The

Department also proposed the emergency adoption of Section 3434, Light Brown Apple Moth Interior Quarantine (effective April 20, 2007). Emergency amendments to Section 3434 were subsequently made adding portions of Alameda, Contra Costa, Marin, Monterey, San Benito, San Mateo and Santa Cruz counties (effective June 6, 2007) and Napa County (effective June 7, 2007).

On May 2, 2007, the United States Department of Agriculture (USDA) issued a federal order regulating the interstate movement of host material from the infested areas of California and all of Hawaii. Another federal order issued was on April 28, 2008 and included Sonoma and Santa Barbara counties.

On June 21, 2007, emergency amendments to the State regulation were effective adding portions of Alameda, Monterey and Santa Cruz counties; and, including all harvested fruits and vegetables as regulated commodities. On July 18, 2007, emergency amendments were effective adding portions of Alameda, Contra Costa, Los Angeles, Marin, Monterey, San Francisco, San Mateo, Santa Clara, Santa Cruz and Solano counties. On August 21, 2007, emergency amendments were effective adding additional portions of the counties of Alameda, Monterey, San Francisco, San Mateo, Santa Clara, Santa Cruz and Solano. On September 28, 2007, emergency amendments were made, primarily to merge some of the regulated areas of Alameda, Contra Costa, Marin, San Francisco, San Mateo and Santa Clara counties into one regulated area. On November 8, 2007, an emergency amendment became effective which increased the regulated areas of Half Moon Bay and Pescadero, San Mateo County; and, the jointly regulated areas of Monterey and Santa Clara counties. Emergency amendments were made adding (San Mateo and Santa Clara counties) and removing areas (Los Angeles, Marin, Monterey, Napa and Santa Clara counties - effective November 29, 2007); removing an area (Oakley, Contra Costa County - effective December 3, 2007); and, on December 21, 2007, several expansions became effective for areas in Contra Costa, San Mateo and Santa Clara counties. Subsequent emergency amendments were made expanding or removing existing regulated areas which

were effective on February 4 and 8, March 12, 17, and 21, April 8 and 18, May 2 and 7, 2008 and establishing the Sonoma area of Sonoma County (effective May 2, 2008).

On May 15, 2008, a new regulated area was established in the Martinez area of Contra Costa County; and, areas were expanded in the Vallejo area of Solano County, the Mountain View, Palo Alto and San Jose areas of Santa Clara County and the Belmont, Redwood City and San Carlos areas of San Mateo County. Subsequent emergency amendments were made effective May 23, June 11 and 16, July 11 and 28, August 13, 18 and 26, September 10 and 23, October 14 and 20, November 12, December 12, 2008; January 14, February 27; March 5, 10 and 30; April 27, May 20 and 26; June 1, 15, 22 and 30; July 24, August 5 and 13, and September 3 and 24; November 10 and December 31, 2009; and January 25, March 10 and 15, April 5, 15 and 22; and May 4, 2010.

In late October 2007, the USDA established a new regulatory protocol which was distributed to county agricultural commissioners as "Phytosanitary Advisory No. 31-2007 and its attachment." This regulatory protocol was adopted based upon the recommendations of the LBAM Technical Working Group (TWG). The purpose of the protocol is to determine when it is appropriate to initiate or remove interstate regulatory restrictions pertaining to LBAM in response to new detections or the elimination of incipient LBAM populations. A key component of this regulatory protocol is the revision of the triggers for initiating a regulated area. Under the recommendations of the TWG, a single detection (trapping) of a male LBAM more than three miles from another male LBAM, no longer warrants a quarantine response. This is contingent upon the deployment of LBAM traps at the appropriate delimitation levels in buffer areas surrounding the single detection. Prior to this regulatory protocol, the detection of a single LBAM was the agreed upon trigger for initiating a quarantine area. The Department reviewed and concurs with this new protocol and is applying the same criteria contained in it to initiate or remove LBAM

regulatory restrictions pertaining to the intrastate movement of regulated articles and commodities.

The Department uses Geographic Information Systems (GIS) mapping programs to plot locations of all the detections of LBAM. As a result, based upon the criteria contained in the USDA regulatory protocol, the Department determined that there are new infestations of LBAM requiring the expansion of regulated areas.

On March 29, 2010 (PDR #1624614), an adult male LBAM was trapped in the Livermore area of Alameda County. On March 31, 2010 (PDR #1624863), an adult male LBAM was trapped in the Pleasanton area of Alameda County. These LBAM were trapped within three miles of each other and within one life cycle. This meets the regulatory protocol for expanding the quarantine area in these areas of Alameda County.

On March 16, 2010 (PDR #5063689), six adult male LBAM were trapped in the Richmond area of Contra Costa County. These LBAM were trapped within three miles of each other and within one life cycle. On April 5, 2010 (PDR #1503142), an adult male LBAM was trapped in the Knightsen area of Contra Costa County. The Department has determined that it does not have the resources to delimit this detection. This meets the regulatory protocol for expanding the quarantine area in these areas of Contra Costa County.

On April 6, 2010 (PDR #s 5063816 and 5063817), adult male LBAM were trapped in the Las Lomas area of Monterey County. These LBAM were trapped within three miles of each other and within one life cycle. These detections meet the regulatory protocol for expanding the quarantine area in this area of Monterey County.

On April 16, 2010 (PDR #5023713), an adult male LBAM was trapped in the Tracy area of San Joaquin County. The Department has determined that due to its proximity to another

detection site, it will not delimit this find. This detection meets the regulatory protocol for expanding the quarantine area in this area of San Joaquin County.

On October 27, 2009 (PDR #5045574) and March 23, 2010 (PDR #5058064), adult male LBAM were trapped in the Kenwood area of Sonoma County. These LBAM were trapped within three miles of each other and within one life cycle. These detections meet the regulatory protocol for expanding the quarantine area in this area of Sonoma County.

On November 10, 2009 (PDR #1578875) and April 26, 2010 (PDR #1578887), adult male LBAM were trapped in the Davis area of Yolo County. These LBAM were trapped within three miles of each other and within one life cycle. These detections meet the regulatory protocol for expanding the quarantine area in this area of Yolo County.

LBAM is a highly polyphagous pest that attacks a wide number of fruits and other plants. Hosts occurring in California that are of significant agricultural or environmental concern include, but are not limited to: alder, alfalfa, apple, apricot, avocado, blueberry, blackberry, broccoli, cabbage, camellia, cauliflower, ceanothus, chrysanthemum, citrus, clematis, clover, columbine, cottonwood, currant, cypress, dahlia, ferns, fir, geranium, grape, hawthorn, honeysuckle, kiwi, lupine, madrone, mint, oak, peach, pear, peppers, persimmon, poplar, potato, raspberry, rhododendron, rose, sage, spruce, strawberry, walnut and willow. It is an insect species that feeds upon over 250 species of native and ornamental plants. The general area of infestation contains numerous sensitive plant species and habitats. There is a threat for adverse consequences to some of these sensitive species if LBAM becomes permanently established in California.

Prior to the infestations here, this species had a relatively restricted geographic distribution, being found only in portions of Europe, Oceania and Hawaii. The pest is native to Australia but has successfully invaded other countries. The likelihood and consequences of

establishment by LBAM have been evaluated in pathway initiated risk assessments. LBAM was considered highly likely of becoming established in the United States and the consequences of its establishment for United States agricultural and natural ecosystems were judged to be severe. The United States Department of Agriculture, Animal Plant and Health Inspection Service (USDA, APHIS) estimated that approximately 80 percent of the continental United States may be climatically suitable for LBAM.

In its native habitat of Australia, LBAM generally completes three generations annually. More than three generations can be completed if temperatures and host plants are favorable. In southeastern Australia where it is warmer, four generations can be completed. In contrast, two generations occur in Tasmania, New Zealand and in Great Britain. In Australia, generations do not overlap, but they do in Great Britain. As the population builds, LBAM is more abundant during the second generation. Therefore, the second generation causes the most economic damage as larvae move from foliage to fruit. The size of the third generation is typically smaller than the previous two due to leaf fall (including attached larvae) as temperatures decline in autumn. LBAM does not diapause and its continued development is slowed under cold winter temperatures. In cold climates, the pest overwinters as larvae. Because LBAM causes damage in a wide range of climate types in Australia, pest status is not dictated by climate.

LBAM causes economic damage from feeding by caterpillars, which may:

- destroy, stunt or deform young seedlings;
- spoil the appearance of ornamental and native plants; and
- injure deciduous fruit-tree crops, citrus and grapes.

Based upon losses in Australia, annual losses in California are expected to be much higher as the agricultural sector is larger and more variable. Additionally, LBAM, if not eradicated, will cause economic damage to California's export markets due to the implementation of quarantines by foreign and state governments.

Where it occurs, LBAM is difficult to control with sprays because of its leaf-rolling ability, and because there is evidence of resistance due to overuse of the same insecticides. Conifers are damaged by needle-tying and chewing. Larvae have been found feeding near apices of Bishop Pine seedlings where they spin needles down against the stem and bore into the main stem from the terminal bud. LBAM constructs typical leaf rolls (nests) by webbing together leaves, a bud and one or more leaves, leaves to a fruit, or by folding and webbing individual mature leaves. During the fruiting season, they also make nests among clusters of fruits, such as grapes, damaging the surface and sometimes tunneling into the fruits. During severe outbreaks, damage to fruit may be as high as 85 percent.

Egg masses are most likely to be found on leaves. The larvae are most likely to be found near the calyx or in the endocarp; larvae may also create "irregular brown areas, round pits, or scars" on the surface of a fruit. Larvae may also be found inside furled leaves, and adults may occasionally be found on the lower leaf surface.

LBAM is an actionable pest for the USDA, APHIS and requires the Australian Quarantine and Inspection Service to take corrective actions to prevent this pest from being associated with apples, citrus, pear fruits and other host commodities being exported to the United States. Host fruit exported from New Zealand faces similar restrictions by USDA, APHIS and the New Zealand Ministry of Forestry and Fisheries is responsible for any corrective actions at origin. Any host commodity arriving in the United States that is infested with or contaminated by LBAM is issued a Federal Emergency Action Notice and must be either destroyed, reexported or undergo an appropriate quarantine treatment prior to its release into the United States commerce. Canada and Japan also treat LBAM as a quarantine action pest. The People's Republic of China requires all host fruit imported to originate from orchards that are free from LBAM.

Wherever LBAM occurs in association with vineyards, it is considered to be a very important agricultural pest. Unless properly managed, LBAM causes substantial risks to

crop yield and quality by causing both direct and indirect damage. Emerging larvae in the spring may feed upon both the flowers and newly set fruitlets causing a direct loss in yield. Later in the year, LBAM larvae feeding on maturing fruit can cause indirect loss by introducing botrytis infections into the grape bunches. As an example, in 1992 in Australia, 70,000 larvae per hectare were documented and caused a loss of 4.7 tons of Chardonnay fruit. Damage in the 1992-93 Chardonnay season at Coonawarra, southern Australia, cost $2,000 per hectare.

In South Australia, LBAM is also a significant pest of apricots and can attack other stone fruit. Peaches are also damaged by feeding that occurs on the shoots and fruit.

The first generation (in spring) causes the most damage to apples while the second generation damages fruit harvested later in the season. Some varieties of apples such as 'Sturmer Pippin' (an early variety), 'Granny Smith' and 'Fuji' (late varieties) can have up to 20 percent damage while severe attacks can damage up to 75 percent of a crop.

In Australia, when insecticides are not applied, typically between five to 20 percent of fruit is damaged, but this can exceed 30 percent. In New Zealand, damage to unsprayed crops commonly reaches 50 percent (Wearing et al., 1991). More information regarding potential economic impact in California may be found in the environmental assessment prepared by USDA at www.aphis.usda.gov/plant_health/ea/downloads/lbam_ea_sc.pdf. In 10 of California's affected counties, it is estimated that LBAM could cause $160 to $640 million in losses. These estimates were derived from the agricultural impacts in Australia and New Zealand. This estimate does not include economic costs to the nursery industry nor to other significant host crops in California such as apricots, avocados, kiwifruit, peaches, etc., grown in other counties.

Exact economic impacts on international and domestic exports are uncertain at this time. California is the nation's leader in agricultural exports and in 2003 shipped more than $7.2

billion in both food and agricultural commodities around the world. Some countries have specific regulations against this pest, and many others consider it a regulated pest that would not be knowingly allowed to enter. Additional measures, such as preharvest treatments and postharvest disinfestation, would likely have to be taken to ensure that shipments to these countries are free from LBAM. In addition, LBAM is an exotic pest, i.e., it is not established in the continental United States, and therefore other states within the United States would likely impose restrictions on the movement of potentially infested fruits, vegetables and nursery stock. These restrictions could severely impact the domestic marketing of California agricultural products.

The majority of California does have a climate which would favor the LBAM. Additionally, LBAM may have seven or more generations under some California climatic conditions. If unchecked, this would enable LBAM to build higher population levels in California. Given the known economic damages occurring in LBAM's present range, its potential damage to California's environment and agricultural industry could be devastating, especially without adequate control measures.

A portion of the contiguous quarantine area in the counties of Alameda, Contra Costa, Monterey, San Joaquin and Sonoma counties would be expanded by approximately 32 square miles. A new quarantine area would be established in the west Tracy area of Alameda and San Joaquin counties of approximately 31 square miles. The Kenwood area of Sonoma County would be expanded by approximately one square mile. The Davis area of Yolo County would be expanded by approximately 12 square miles. This would result in a total of approximately 4,744 square miles under regulation within the State. The effect of this proposed change to the regulation will be to establish authority for the State to perform quarantine activities against LBAM (*Epiphyas postvittana*) in these additional quarantine areas.

Unless the State's LBAM regulation is substantially the same as the LBAM federal regulation and orders, the USDA cannot regulate less than the entire State. As an example, on January 11, 2008, the USDA issued a Federal Order that expanded its citrus greening (CG) quarantine to encompass the entire State of Florida. This action was a result of the USDA confirming detections of CG in two new Florida counties: Lake and Hernando. Following discussions with the State of Florida, the USDA determined that parallel quarantine actions proposed by the State of Florida were not adequate and, therefore, it was necessary to impose statewide restrictions on the movement of all live host plants and host plant parts from Florida.

Therefore, as there are commercial agricultural industries located within the proposed regulated area, this emergency amendment to Section 3434 is also necessary to ensure the State's regulation continues to be substantially the same as the federal order issued April 28, 2008, which includes the October 2007 regulatory protocol.

To prevent the spread of the LBAM to non-infested areas in order to protect California's agricultural industry and environment, it is necessary to begin quarantine activities against the LBAM immediately. Therefore, it is necessary to amend this regulation as an emergency action.

The Department also relied upon the following documents for this proposed rulemaking action:

Federal Domestic Quarantine Order, *Epiphyas postvittana,* (Light Brown Apple Moth), DA-2009-46.

Federal Domestic Quarantine Order, *Epiphyas postvittana,* (Light Brown Apple Moth), DA-2008-17.

Federal Domestic Quarantine Order, *Epiphyas postvittana,* (Light Brown Apple Moth), DA-2007-42.

For Information/Action, DA-2008-02, dated January 11, 2008, to State and Territory Agricultural Regulatory Officials, from Rebecca Bech and its attachments.

"Pest Profile," updated March 16, 2007, Kevin Hoffman, California Department of Food and Agriculture.

"Lightbrown apple moth, Exotic host plants-common," printed March 13, 2007, http://www.hortnet.co.nz/key/stone/info/hostplnt/iba-exo2.htm.
"Lightbrown Apple Moth Life Cycle," printed March 12, 2007, HortFACT.

"Light Brown Apple Moth, *Epiphyas postvittana,*" printed March 12, 2007, Government of South Australia.

"Light brown apple moth development calculator," printed March 12, 2007, NSW Department of Primary Industries.

"Light brown apple moth in citrus," June 2006, Primefact Number: 216.

"Botrytis and the Light Brown Apple Moth," undated, Bayer CropScience.

"Light Brown Apple Moth Procedures for USA Citrus Export Program," updated June 2006.

"China Export Quarantine IPM Guide," January 2006, Steven Falivene, NSW, DPI.

"Mini Risk Assessment, Light Brown Apple Moth, *Epiphyas postvittana* (Walker), [Leptidoptera: Tortricidae], September 21, 2003, Department of Entomology, University of Minnesota.

"Pests and Pest Management, Impact on Climate Change," February 2000, Dr. Robert W. Suthherst, CSIRO Entomology.

Letter dated August 3, 2009, from Robert Lilley to A.G. Kawamura.

Letter dated July 13, 2009, from Scott Hudson to A.G. Kawamura.

Letter dated May 19, 2009, from Rick Landon to A.G. Kawamura.

Letter dated April 28, 2008, from Lisa Correia to A.G. Kawamura.

Letter dated March 17, 2008, from William D. Gillette to A.G. Kawamura.

Letter dated July 12, 2007, from Kurt E. Floren to A.G. Kawamura.

Letter dated July 11, 2007, from Jearl D. Howard to A.G. Kawamura.

Letter dated June 1, 2007, from David R. Whitmer to A.G. Kawamura.

Letter dated May 25, 2007, from Ken Corbishley to A.G. Kawamura.

Letter dated May 24, 2007, from Paul J. Matulich to A.G. Kawamura.

Letter dated May 4, 2007, from Eric Lauritzen to A.G. Kawamura.

Letter dated May 4, 2007, from Gail M. Raabe to A.G. Kawamura.

Letter dated April 11, 2007, from Greg Van Wassenhove to A.G. Kawamura.

Letter dated April 4, 2007, from Scott T. Paulsen to A.G. Kawamura.

Letter dated April 3, 2007, from Edward P. Myer to A.G. Kawamura.

Letter dated April 2, 2007, from Dennis F. Bray to A.G. Kawamura.

Letter dated March 30, 2007, from Stacy Carlsen to A.G. Kawamura.

Authority and Reference Citations:

Authority: Sections 407 and 5322, Food and Agricultural Code.

Reference: Sections 407 and 5322, Food and Agricultural Code.

Informative Digest

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread and the feasibility of its control or eradication (FAC Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322).

Section 3434. Light Brown Apple Moth Interior Quarantine.

A portion of the contiguous quarantine area in the counties of Alameda, Contra Costa, Monterey, San Joaquin and Sonoma counties would be expanded by approximately 32 square miles. A new quarantine area would be established in the west Tracy area of Alameda and San Joaquin counties of approximately 31 square miles. The Kenwood area of Sonoma County would be expanded by approximately one square mile. The Davis area of Yolo County would be expanded by approximately 12 square miles. This would result in a total of approximately 4,744 square miles under regulation within the State. The effect of this proposed change to the regulation will be to establish authority for the State to perform quarantine activities against LBAM (*Epiphyas postvittana*) in these additional quarantine areas.

Mandate on Local Agencies or School Districts

The Department of Food and Agriculture has determined that Section 3434 does not impose a mandate on local agencies or school districts, except that an agricultural

commissioner of a county under quarantine has a duty to enforce it. No reimbursement is required under Section 17561 of the Government Code because the affected county agricultural commissioners requested that these changes to the regulation be made.

Cost Estimate

The Department has also determined that the regulation will involve no additional costs or savings to any state agency because initial funds for state costs are already appropriated, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable savings to local agencies or costs or savings to school districts under Section 17561 of the Government Code and no costs or savings in federal funding to the State.